

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

**PROPOSED AMENDMENTS TO THE
PARAMETERS AND GUIDELINES:**

Government Code Sections 3301, 3303, 3304, 3305, and 3306, as added and amended by Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and 1178; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and Statutes 1990, Chapter 675;

Filed on January 12, 2007 by the Department of Finance.

06-PGA-03

*Peace Officers Procedural Bill of Rights
(POBOR)*

**NOTICE OF AVAILABILITY OF STATE
CONTROLLER'S AUDIT REPORTS:
County of Contra Costa, County of
Los Angeles, and Los Angeles Police
Department**

NEW Hearing Date: September 27, 2007

Website: <http://www.csm.ca.gov/pobor>

TO: League of California Cities
California State Association of Counties
Department of Personnel Administration
Department of Finance
State Controller's Office
State Personnel Board
Legislative Analyst
Interested Parties and Persons
Legislative Committees

On January 12, 2007, the Commission on State Mandates (Commission) received the Department of Finance's request to amend the parameters and guidelines for the above-named matter. The request was deemed complete and was posted on the Commission's website. During the January 24, 2007 prehearing conference, the Department of Finance representative notified the parties of their intention to modify the original proposal upon receipt and review of the State Controller's final report on the fiscal year 2004-2005 reimbursement claims, and receipt of final reports on 20-25 audits that are underway. Commission staff agreed to notify all parties, affected state agencies, and interested persons when these documents are available and to post all documents on the Commission's POBOR website.

State Controller's Final Audit Reports. On March 30, 2007, the State Controller's Office issued final audit reports for the Contra Costa County, Los Angeles County, and the Los Angeles Police Department.

- Contra Costa County claimed \$532,160 for the period of July 1, 2001, through June 30, 2004. The SCO audit disclosed that \$40,636 is allowable and \$491,524 is unallowable. The unallowable costs occurred because the county claimed costs that were ineligible for reimbursement, were inadequately documented, or were not for mandate-related cases. The SCO will allow the costs of eligible activities if the county provides documentation supporting time spent on the eligible activities.
- The Los Angeles County Sheriff's Department claimed \$31,152,062 for the period of July 1, 1994 through June 30, 2003. The SCO audit disclosed that \$1,313,057 is allowable and \$29,839,005 is unallowable. The county agreed that claimed costs were overstated by \$22,363,099. The remaining unallowable costs occurred because the county claimed ineligible investigation costs of \$4,640,149 and unsupported costs of \$2,835,757. If the city performs a valid time study or provides other corroborating documentation supporting additional allowable costs, the SCO will evaluate the documentation and revise the final report, as appropriate.
- The Los Angeles Police Department claimed \$60,660,765 for the period of July 1, 1994, through June 30, 2002. The SCO audit disclosed that \$550,345 is allowable and \$60,110,420 is unallowable primarily because the department claimed costs that were not reimbursable under the mandate.

The reports are on the State Controller's website and the Commission's website:

<http://www.sco.ca.gov/aud/mandCostsRpts/fy0607/index.shtml>

Updated Claims Data. The State Controller's Office has made available updated claims data on the POBOR reimbursement claims. An excel spreadsheet version of this data is posted on the Commission's website.

Comment Period Extended. All parties, affected state agencies, and interested persons are invited to file comments with the Commission on the original proposed amendment described above or wait to file comments on Department of Finance's modified proposal. Comments may be filed up to 30 days after the updated Department of Finance proposal is posted on the Commission's website. Rebuttal comments will be due 30 days after that date.

An original and one copy, or an original and an Adobe Acrobat PDF file, shall be submitted to the Commission. PDF files should be e-mailed to: csminfo@csm.ca.gov. All comments will be posted on the Commission's website. This will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.2, subdivision (d).

Draft Staff Analysis and New Tentative Hearing Date. After the record closes, Commission staff will review the comments and prepare a draft staff analysis and proposed parameters and guidelines amendment. The draft staff analysis will be issued for public comment and review on or about August 2, 2007, and is tentatively scheduled for hearing on September 27, 2007.

If you have any questions regarding this matter, please contact me at (916) 323-8210.

Dated: April 10, 2007

PAULA HIGASHI, Executive Director